UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,719	04/11/2001	Robert Leslie Van Oostenbrugge	PHNL 000183	9755

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EXAMINER
BONSHOCK, DENNIS G

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 May 2005</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　a)☐ All   b)☐ Some * c)☐ None of:

　　1.☐ Certified copies of the priority documents have been received.

　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　application from the International Bureau (PCT Rule 17.2(a)).

　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

Final Rejection

Response to Amendment

1.   It is hereby acknowledged that the following papers have been received and

placed on record in the file: Amendment as received on 5-07-2005.

2.   Claims 1-20 have been examined.

Status of Claims:

3.   Claims 9-11, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by

Dobronsky et al., Patent #6,784,900, hereinafter Dobronsky.

4.   Claims 1-8, 12-18, and 20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Dobronsky et al., Patent #6,784,900, hereinafter Dobronsky and

Monteiro et al., Patent # 5,778,187, hereinafter Monteiro.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 9-11, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by

Dobronsky et al., Patent #6,784,900, hereinafter Dobronsky.

7.   With regard to claim 9, which teaches method of generating a command to an

apparatus, the apparatus having a presentation means for presenting a graphical user

interface within which information is displayed and skin means for applying a skin

displaying an artistic background to the graphical user interface so as to influence the

look of the graphical user interface, Dobronsky teaches, in column 3, lines 49-59, a

means by which a plug-in cooperates with a browser to effect a change in the

appearance of the browser, specifically the skin displayed, where this displayed skin is

a motif of specific graphical depictions displayed as a background of a toolbar (further

see column 5, lines 55-67 and figure 5). With regard to claim 9, further teaching that the

command comprises a skin change command remotely transmitted to the apparatus for

changing a currently applied skin in response to a parameter related to displayed

information, Dobronsky further teaches, in column 5, lines 33-41, the change in skin

being affected by the user selecting a skin for download and installing it in the toolbar

area of the browser, and further teaches in column 5, lines 55-67 and in column 8, lines

9-23, a service website providing a command to display a skin in a toolbar of a web

surfers browser, the graphical information of the skin being downloaded (from the

remote site) to change the skin in response to the current website navigated to by the

web surfer.

8.   With respect to claim 10, which teaches an apparatus comprising storage means

for storing a plurality of skins, Dobronsky teaches, in column 4, lines 26-43, the

downloading and storing of specific skins. With regard to claim 10, further teaching the

skin change command including an identification of a respective one of the plurality of

skins, and the skin being adapted to apply said respective skin to the graphical user

interface in response to a skin change command, Dobronsky teaches, in column 5, lines

33-41, the selection of a skin from a plurality of skins resulting in the installation of the skin to a toolbar area of the browser.

9.   With regard to claim 11, which teaches the skin change command including a further skin, in which the skin means is adapted to apply said further skin to the graphical user interface, Dobronsky teaches, in column 5, lines 55-67, the website providing a skin change command, to install in a clients browser, a unique site specific skin.

10.   With regard to claim 19, which teaches the artistic background defining the skin comprising at least on of background shape, a background color, or arrangement of controls specific to the individual skin, Dobronsky teaches, in column 5, lines 55-67 and figure 5, an artistic background displaying a depiction of a cow, as a skin of the toolbar.

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12.   Claims 1-8, 12-18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobronsky et al., Patent #6,784,900, hereinafter Dobronsky and Monteiro et al., Patent # 5,778,187, hereinafter Monteiro.

13.   With respect to claim 1, Dobronsky teaches, in column 3, lines 49-59, a means by which a plug-in cooperates with a browser to effect a change in the appearance of the browser, specifically the skin displayed, where this displayed skin is motif of specific

graphical depictions displayed as a background of a toolbar (further see column 5, lines 55-67 and figure 5). Dobronsky further teaches, in column 5, lines 55-67 and in column 6, lines 34-41, the change in skin being affected by the users surfing to a site that has a defined skin. Dobronsky teaches, in column 5, lines 55-67 and in column 8, lines 9-23, a service website providing a command to display a skin in a toolbar of a web surfers browser, the graphical information of the skin being downloaded (from the remote site) to change the skin in response to the current website navigated to by the web surfer (context), however, doesn't explicitly state that this skin change is generated in response to an event not originating from a user request to change the currently applied skin. Monteiro teaches a system in which the appearance of a browser window (graphic, text, etc) is changed based on current context, see column 4, lines 9-19 and in column 17, lines 20-31, similar to that of Dobronsky, but further teaches, in column 17, lines 20-31 and column 7, lines 48-59, that the user interface is changed in response to a different song being played. It would have been obvious to one of ordinary skill in the art, having the teachings of Dobronsky and Monteiro before him at the time the invention was made to modify the website specific skins of Dobronsky to be adapted to change the skin (graphical information) based on an event not originating form a user request to change skin. One would have been motivated to make such a combination because Dobronsky, as it stands, initiates the skin change process base on a user surfing to a website. Monteiro's graphical information change is included because it more clearly states the graphical information change being independent of any request to change graphical information.

14.   With respect to claim 2, which teaches an apparatus receiving information from a

remote server and the event comprising the reception of a skin change command from

the remote server, Dobronsky teaches, in column 2, lines 51-63, a browser receiving

information via communication with the internet where the information transmitted is a

skin change command.

15.   With respect to claim 3, which teaches an apparatus comprising storage means

for storing a plurality of skins, Dobronsky teaches, in column 4, lines 26-43, the

downloading and storing of specific skins. With regard to claim 3, further teaching the

skin change command including an identification of a respective one of the plurality of

skins, and the skin being adapted to apply said respective skin to the graphical user

interface in response to a skin change command, Dobronsky teaches, in column 5, lines

33-41, the selection of a skin from a plurality of skins resulting in the installation of the

skin to a toolbar area of the browser.

16.   With regard to claim 4, which teaches the skin change command including a

further skin, in which the skin means is adapted to apply said further skin to the

graphical user interface, Dobronsky teaches, in column 5, lines 55-67, the website

providing a skin change command, to install in a clients browser, a unique site specific

skin.

17.   With regard to claims 5 and 14, which teach presentation means capable of

presenting further information, and that the event comprises a change in a parameter of

said further information, Dobronsky teaches, in column 5, lines 55-67, that a change in

displayed skin is affected by further information (a change in the web site being visited).

18.   With regard to claims 6 and 15, which teach information comprising audio and/or

video content, Monteiro teaches, in column 2, lines 8-11 and column 17, lines 20-31, the

information being audio and/or video content. With respect to claims 6 and 15, further

teaching a parameter representing a category of said content, Monteiro teaches, in

column 17, lines 20-31, that if the user changes music type or there is a change in the

artist the interface window will adapt.

19.   With regard to claims 7 and 16, which teach that the apparatus further comprised

user profile means for maintaining a user profile, and an event comprising a change in a

user profile, Monteiro teaches, in column 2, lines 17-26 and column 8, lines 12-15, that

portions of information can be tailored to the client, when the clients habits change the

environment adapts around the client.

20.   With regard to claims 8 and 17, which teach the above claims being implemented

in a computer program, with a computing device, Dobronsky teaches, in column 1, lines

11-21, the system being implemented on a computer utilizing computer programs.

21.   With regard to claim 12, Dobronsky teaches, in column 5, lines 55-67 and in

column 8, lines 9-23, a service website providing a command to display a skin in a

toolbar of a web surfers browser, the graphical information of the skin being

downloaded (from the remote site) to change the skin in response to the current website

navigated to by the web surfer (context), and using the skin as an advertising tool (see

column 5, lines 55-67), however, doesn't explicitly state the information comprising

audio and/or video content. Monteiro teaches a system in which the appearance of a

browser window (graphic, text, etc) is changed based on current context, see column 4,

lines 9-19 and in column 17, lines 20-31, similar to that of Dobronsky, but further

teaches, in column 2, lines 8-11 and column 17, lines 20-31, the information being audio

and/or video content. It would have been obvious to one of ordinary skill in the art,

having the teachings of Dobronsky and Monteiro before him at the time the invention

was made to modify the website specific skins of Dobronsky to be adapted for use in

distributing video content and sound data, as did Monteiro. One would have been

motivated to make such a combination because Dobronsky, as it stands, initiates the

skin change process based on a user surfing to a website, while Monteiro's teaches a

similar graphical data change based on a current song being played.

22.   With regard to claim 13, Dobronsky teaches, in column 3, lines 49-59, a means

by which a plug-in cooperates with a browser to effect a change in the appearance of

the browser, specifically the skin displayed, where this displayed skin is motif of specific

graphical depictions displayed as a background of a toolbar (further see column 5, lines

55-67 and figure 5). Dobronsky further teaches, in column 5, lines 55-67 and in column

6, lines 34-41, the change in skin being affected by the users surfing to a site that has a

defined skin. Dobronsky teaches, in column 5, lines 55-67 and in column 8, lines 9-23, a

service website providing a command to display a skin in a toolbar of a web surfers

browser, the graphical information of the skin being downloaded (from the remote site)

to change the skin in response to the current website navigated to by the web surfer

(context), however, doesn't explicitly state that this skin change is generated in

response to an event not originating from a user request to change the currently applied

skin. Monteiro teaches a system in which the appearance of a browser window (graphic,

text, etc) is changed based on current context, see column 4, lines 9-19 and in column 17, lines 20-31, similar to that of Dobronsky, but further teaches, in column 17, lines 20-31 and column 7, lines 48-59, that the user interface is changed in response to a different song being played. It would have been obvious to one of ordinary skill in the art, having the teachings of Dobronsky and Monteiro before him at the time the invention was made to modify the website specific skins of Dobronsky to be adapted to change the skin (graphical information) based on an event not originating form a user request to change skin. One would have been motivated to make such a combination because Dobronsky, as it stands, initiates the skin change process base on a user surfing to a website. Monteiro's graphical information change is included because it more clearly states the graphical information change being independent of any request to change graphical information.

23.   With regard to claim 18, which teaches the artistic background defining the skin comprising at least on of background shape, a background color, or arrangement of controls specific to the individual skin, Dobronsky teaches, in column 5, lines 55-67 and figure 5, an artistic background displaying a depiction of a cow, as a skin of the toolbar.

24.   With regard to claim 20, Dobronsky teaches, in column 5, lines 55-67 and in column 8, lines 9-23, a service website providing a command to display a skin in a toolbar of a web surfers browser, the graphical information of the skin being downloaded (from the remote site) to change the skin in response to the current website navigated to by the web surfer (context), and using the skin as an advertising tool (see column 5, lines 55-67), however, doesn't explicitly state that this skin change is

generated in response to an event not originating from a user request to change the

currently applied skin (specifically selection of skins based on a user profile. Monteiro

teaches a system in which the appearance of a browser window (graphic, text, etc) is

changed based on current context, see column 4, lines 9-19 and in column 17, lines 20-

31, similar to that of Dobronsky, but further teaches, in column 17, lines 20-31 and

column 7, lines 48-59, that the user interface is changed in response to a different song

being played, and in column 2, lines 17-26 and column 8, lines 12-15, that portions of

information can be tailored to the client, when the clients habits change the environment

adapts around the client. It would have been obvious to one of ordinary skill in the art,

having the teachings of Dobronsky and Monteiro before him at the time the invention

was made to modify the website specific skins of Dobronsky to be adapted change the

skin (graphical information) based on a clients profile. One would have been motivated

to make such a combination because Dobronsky, as it stands, initiates the skin change

process base on a user surfing to a website. One would have been motivated to make

such a combination because they both teach the providing of advertising information

based on a clients actions. Furthermore because Dobronsky, as it stands, initiates the

skin change process base on a user surfing to a website (this being itself not a

command to change the skin).

Response to Arguments

25.   The arguments filed on 5-07-2005 have been fully considered but they are not

persuasive. The reasons are set forth below.

26.   The applicant's argue that Dobronsky does not teach the limitations of claim 9, as amended, defining subject matter for remotely generating a command to an apparatus in response to a parameter to display information

27.   In response, the examiner respectfully submits that Dobronsky further teaches, in column 5, lines 33-41, the change in skin being affected by the user selecting a skin for download and installing it in the toolbar area of the browser, and further teaches in column 5, lines 55-67 and in column 8, lines 9-23, a service website providing a command to display a skin in a toolbar of a web surfers browser, the graphical information of the skin being downloaded (from the remote site) to change the skin in response to the current website navigated to by the web surfer.

28.   The applicant's argue, with respect to claims 1 and 13, that the combination of Dobronsky and Monteiro, for the teaching of the skin change being generated in response to an event not originating from a user request to change the currently applied skin, given the lack of the teaching of a skin in Monteiro.

29.   In response, the examiner respectfully submits that Dobronsky teaches, in column 5, lines 55-67 and in column 8, lines 9-23, a service website providing a command to display a skin in a toolbar of a web surfers browser, the graphical information of the skin being downloaded (from the remote site) to change the skin in response to the current website navigated to by the web surfer (context), which it self points to an initiating of the skin change responsive to a users surfing habits. Monteiro teaches a system in which the appearance of a browser window (graphical information such as graphic, text, etc) is changed based on current context, see column 4, lines 9-

19 and in column 17, lines 20-31, similar to that of Dobronsky, but further teaches, in

column 17, lines 20-31 and column 7, lines 48-59, that the user interface is changed in

response to a different song being played. It would have been obvious to one of

ordinary skill in the art, having the teachings of Dobronsky and Monteiro before him at

the time the invention was made to modify the website specific skins of Dobronsky to be

adapted to change the skin (graphical information) based on an event not originating

form a user request to change skin. One would have been motivated to make such a

combination because Dobronsky, as it stands, initiates the skin change process based

on a user surfing to a website. Monteiro's graphical information change is included

because it more clearly states the graphical information change being independent of

any request to change graphical information.

30.   The applicant's argue that there is no teaching that the environment adapts

around the client, given a user profile.

31.   In response, the examiner respectfully submits that Monteiro teaches, in column

2, lines 17-26 and column 8, lines 12-15, that portions of information can be tailored to

the client, when the clients habits change the environment adapts around the client.

This is further pointed out by the user receiving advertisements that are specific to their

demographic group.

Conclusion

32.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

33.   A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

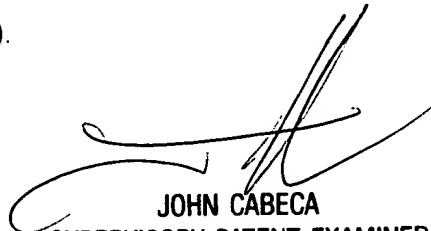than SIX MONTHS from the date of this final action.

34.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Dennis G. Bonshock whose telephone number is (571)

272-4047. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00

p.m.

35.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

36.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

7-14-05
dgb

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